

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

SOCIAL POSITIONING INPUT SYSTEMS,
LLC,

Plaintiff,

v.

PARTICLE INDUSTRIES, INC.,

Defendant.

Case No. 3:21-cv-00464-WHO

District Judge William H. Orrick

**[PROPOSED] ORDER GRANTING PARTICLE
INDUSTRIES' MOTION TO DISMISS FOR
FAILURE TO STATE A CLAIM UNDER RULE
12(B)(6)**

The Court, having considered Defendant Particle Industries, Inc.'s Motion to Dismiss for Failure to State a Claim under Fed. R. Civ. P. 12(b)(6) (the "Motion"), having considered the papers filed in support of and in opposition thereto, and having considered all arguments made by counsel, hereby finds that the Motion should be granted.

IT IS HEREBY ORDERED that the Motion is **GRANTED**. The claims of U.S. Patent No. 9,261,365 are invalid under 35 U.S.C. § 101. Count I of Plaintiff's Complaint is **DISMISSED** with prejudice.

Dated: _____

HON. WILLIAM H. ORRICK
UNITED STATES DISTRICT JUDGE